HONOURABLE SRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

HONOURABLE SRI JUSTICE C.Y.SOMAYAJULU

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WRIT PETITIION No. 24086 OF 2003

Between:

M.Victor Prasad S/o Lazarus,

aged 46 years, Occ: Advocate,

R/o D.No. 30/537, Mustakan Pet,

Machilipatnam, Krishna District.

… Petitioner.

And

The Government of Andhra Pradesh,

Social Welfare Department, Secretariat

Buildings, Hyderabad represented by

its Principal Secretary and others.

… Respondents.

::ORDER::

Counsel for petitioner : Sri B.Devanand

Counsel for Respondent No.1 : Goovernment Pleader for

Social Welfare.

Counsel for Respondent No.2 : Sri M.V.S.Suresh Kumar

Counsel for Respondent No.3 : Sri A.Rajasekhara Reddy

Assistant Solicitor General

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5th December, 2005.

Per G.S.Singhvi, C.J.

The petitioner who is practising as a lawyer at Machilipatnam, Krishna District invoked the jurisdiction of this Court under Article 226 of Constitution of India for advancing the cause of the weaker sections of the society by alleging that the funds ear-marked for various development works to be undertaken by the Corporation for weaker sections were being diverted for payment of salaries to the employees.

We would have adjudicated on the merits of the petitioner's grievance by recording a detailed order and analysing the provisions of Articles 14, 21 read with Article 46 of the Constitution, but the necessity of doing so has been obviated because in furtherance of interim orders passed by this Court, the State Government has sanctioned an additional sum of Rs.200 crores, which is required to be spent by the Corporation for construction of 50,000 houses for weaker sections of the society and an undertaking has been furnished by V.Usha Rani, Vice Chairman and Managing Director of the Corporation that Rs.3,00,86,000/- which are outstanding towards

reimbursement of development charges will be reimbursed within a period of one year.

In our opinion, the allocation of funds by the Government for development works to be undertaken by the Corporation and undertaking given by the Vice Chairman-cum-Managing Director of the Corporation adequately meet the ends of justice and no further direction is required to be given in the matter at this stage.

In the premise aforesaid, the writ petition is disposed of with liberty to the petitioner to file miscellaneous application for revival thereof, if the Corporation utilizes even a single penny out of Rs.200 crores allocated by the Government for a purpose other than for which sanction has been granted, or, it fails to recover Rs.3,00,86,000-00 within a period of one year.

While disposing of the writ petition in the manner indicated above, we make it absolutely clear that in future, the Corporation shall not divert the funds earmarked or allocated for development purposes for any other purpose, whatsoever. Any violation of this direction would necessarily invite initiation of proceedings against the officers concerned under the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India.

As a sequel to the disposal of the main petition, WPMP Nos. 30289 of 2003, 20788 of 2005 and 20922 of 2005 are also disposed of.

G.S.SINGHVI, CJ.

5.12.2005

C.Y.SOMAYAJULU, J.

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